

E-File: 4-13-09

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 Debtors in Possession

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

Case No.: BK-S-09-14814-LBR
 (Jointly Administered)

THE RHODES COMPANIES, LLC, aka
 "Rhodes Homes, et al.,¹

Chapter 11

Debtors.

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

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Affects:



All Debtors



Affects the following Debtor(s)

Hearing Date:

Hearing Time:

Courtroom 1

CERTIFICATE OF SERVICE

1. On April 9, 2009, I served the following document:

NOTICE OF HEARING

2. I served the above-named document by the following means to the persons as listed below:

(check all that apply)

- a. **ECF System** *(You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary)*

ZACHARIAH LARSON on behalf of Debtor
ecf@slawnv.com, susans@slawnv.com

U.S. TRUSTEE - LV - 11
USTPRegion17.lv.ecf@usdoj.gov

- b. **Federal Express**
(List persons and addresses. Attach additional paper if necessary)

SEE ATTACHED

- c. **Personal Service** *(List persons and addresses. Attach additional paper if necessary)*

I personally delivered the document(s) to the persons at these addresses:

□ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

□ For a party, delivery was made by handling the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

- d. **By direct email (as opposed to through the ECF System)**
(List persons and email addresses. Attach additional paper if necessary)

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Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

- ☐ **e. By fax transmission**
(List persons and fax numbers. Attach additional paper if necessary)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

- ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. *(A declaration by the messenger must be attached to this Certificate of Service)*

I declare under penalty of perjury that the foregoing is true and correct.

Signed on (date)

April 13, '09

Sophia L. Lee
 (Name of Declarant)

[Signature]
 (Signature of Declarant)

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SERVICE LIST

Office of the United States Trustee

Attn: August B. Landis
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(Fax) 702 388-6658

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Nile Leatham
Timothy P. Thomas, Esq.
KOLESAR & LEATHAM
Wells Fargo Financial Center
3320 W. Sahara Ave.
Las Vegas, NV 89102
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Administrative Agent to the First Lien Lenders

CREDIT SUISSE LOAN FUNDING LLC
Attn: Tom Lynch
Eleven Madison Avenue, 9th Floor
New York NY 10010
(Fax) 212-538-7460

Administrative Agent to the Second Lien Lenders

Wells Fargo Bank, National Association
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New York, NY 10006
(Fax) 212-515-1576

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Don Demakis

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Van C. Durrer II
Ramon M. Naguiat
SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
300 South Grand Avenue, #3400
Los Angeles, CA 90071-3144
(Fax) 213-687-5600

Top 25 Unsecured Creditors

Sunstate Companies, Inc.
Attn: Bonnie Butler
4435 E. Colton Ave, Ste. 101
Las Vegas, NV 89115
(Fax) 702-798-2918

G. C Wallace Inc.
Attn: Betty Kilmer
6655 South Cimarron Road
Las Vegas, NV 89113
(Fax) 702-804-2299

Aspen Concrete Inc.
Attn: Laura Norfolk
4177 E. Huntington Drive
Flagstaff, AZ 86004
(Fax) 928-226-1766

American Soils Engineering LLC
Attn: Kenya Barrant
6000 S. Eastern Avenue
Suite 6B
Las Vegas, NV 89119
(Fax) 702-889-9614

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1 Triton Grading & Paving LLC
2 Attn: Linda Leavitt
3 4220 Arcata Way
4 Bldg B, Ste. 1
5 N. Las Vegas, NV 89030
6 (Fax) 702-362-3930

7 Sunland Asphalt
8 Attn: Craig Bennett
9 P.O. Box 20814
10 Bullhead City, AZ 86439
11 (Fax) 928-758-6861

12 Cabinetec, Inc.
13 Attn: David Paszli
14 2711 E. Craig Road
15 Suite A & B
16 N. Las Vegas, NV 89030
17 (Fax) 649-7918

18 K. H. Landscaping, Inc.
19 Attn: Laura Larkins
20 2595 South Cimarron Road
21 Suite 206
22 Las Vegas, NV 89122
23 (Fax) 702-263-0121

24 Envision Concrete
25 Attn: Mondo Deltoro
26 5655 Reference Street
27 Las Vegas, NV 89122
28 (Fax) 702-434-6956

N. J. Shaum & Son Inc.
Marsha Jensen
P.O. Box 819
Flagstaff, AZ 86002
(Fax) 928-773-1134

M S Concrete, Inc.
Attn: Nedra Stephenson
3840 North Commerce
Las Vegas, NV 89032
(Fax) 702-876-9244

Blair's Carpet Valley
Attn: Shanelle Henerson
7465 West Sunset Road

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1 Suite 1200
2 Las Vegas, NV 89113
3 (Fax) 702-940-4118

4 American Asphalt & Grading Co.
5 Attn: Tracy Bassler
6 3624 Goldfield Street
7 N. Las Vegas, NV 89032
8 (Fax) 702-644-0128

9 Evans Recreation Installations
10 Attn: Liz Martin
11 P.O. Box 42607
12 Las Vegas, NV 89116-1607
13 (Fax) 702-926-9685

14 Integrity Masonry, Inc.
15 Attn: Herold Lefler
16 5330 W. Quail Avenue
17 Las Vegas, NV 89118
18 (Fax) 702-227-4855

19 J & J Enterprises, Inc.
20 Attn: Melissa Perry
21 5920 West Cougar Avenue
22 Las Vegas, NV 89139
23 (Fax) 702-361-2823

24 Western Landscape Construction
25 Attn: Laura Larkins
26 4670 S. Polaris Avenue
27 Las Vegas, NV 89103
28 (Fax) 702-739-6840

WestCor Construction
Attn: Steve Christianson
5620 Stephanie Street
Las Vegas, NV 89122
(Fax) 702-433-8090

Interstate Plumbing & A/C
Attn: Ceil Cartwright
7201 West Post Road
Las Vegas, NV 89122
(Fax) 702-367-6600

Slater Hanifan Group
Attn: Darcie Wood

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1 5740 S. Arville #216
2 Las Vegas, NV 89118
(Fax) 702-284-5399

3 TSS Enterprises, Inc.
4 Attn: Gary Simler
5 2827 East Illini Street
6 Phoenix, AZ 85040
(Fax) 602-276-7918

7 Westar Kitchens & Bath
8 Attn: Richard Kerner
9 9025 S. Kyrene Road
10 Tempe, AZ 85284
(Fax) 702-798-1610

11 Iovino Masonry Inc.
12 Attn: Kim Hardin
13 9260 El Camino Road
14 Las Vegas, NV 89139
(Fax) 702-368-1265

15 The Masonry Group Nevada, Inc.
16 4685 Berg Street
17 North Las Vegas, NV 89081
(Fax) 702-657-8445

18 Northland Exploration Surveys
19 528 West Aspen Avenue
20 Flagstaff, AZ 86001-5308
(Fax) 928-774-3089

21 **Utility Service Providers List**

22 Arizona Public Services
23 400 N. 5th St
24 Phoenix, AZ 85072

25 City of Flagstaff
26 211 W. Aspen Ave
27 Flagstaff, AZ 86001

28 City of Henderson Utilities
240 Water St
Henderson, NV 89009

City of Kingman
310 N. 4th St
Kingman, AZ 86401

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- 1 City of Las Vegas
400 Stewart Ave, 2nd Floor
2 Las Vegas, NV 89101
- 3 City of North Las Vegas
2829 Fort Sumter
4 North Las Vegas, NV 89030
- 5 Cox Communications
6 121 S. MartinLuther King Blvd
Las Vegas, NV 89106
- 7 Embarq
8 2340 E. Tropicana Ave
Las Vegas, NV 89119
- 9 Frontier Communications
10 313 S. Aztec Golden Valley
Golden Valley, AZ 86413
- 11 Mohave Electric
12 928 Hancock Road Bullhead City
Bullhead City, AZ 86442
- 13 NPG Cable
14 2585 Miracle Mile, Suite 101
15 Bullhead City, AZ 86442
- 16 NV Energy
6226 W. Sahara
17 Las Vegas, NV 89146
- 18 Qwest
313 S. Aztec
19 Golden Valley, AZ 86413
- 20 Southwest Gas Corporation
4300 W. Tropicana Ave
21 Las Vegas, NV 89103
- 22 Sprint
313 S. Aztec
23 Golden Valley, AZ 86413
- 24 Unisource Energy Service
1201 S. Plaza Way
25 Flagstaff, AZ 86001
- 26
- 27
- 28

EXHIBIT A

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 18 Email: zlarson@lslawnv.com

19 [Proposed] Attorneys for Debtors and
 20 Debtors in Possession

21 UNITED STATES BANKRUPTCY COURT
 22 DISTRICT OF NEVADA

In re:

23 THE RHODES COMPANIES, LLC, aka
 24 "Rhodes Homes, et al.,¹

Debtors.

25 Case No.: BK-S-09-14814-LBR
 26 (Jointly Administered)

Chapter 11

Affects:

- 27 ☒ All Debtors
 28 ☐ Affects the following Debtor(s)

Hearing Date: April 17, 2009
 Hearing Time: 9:30 a.m.
 Courtroom 1

¹ The Debtors in these cases, along with their case numbers are: Apache Framing, LLC (Case No. 09-14818);
 Batcave, LP (Case No. 09-14861); Bravo, Inc. (Case No. 09-14825); C & J Holdings, Inc. (Case No. 09-14843);

NOTICE OF HEARING

TO: ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the following hearings are scheduled for April 17th 2009 at the hour of 9:30 a.m., in the Foley Federal Building, at 300 Las Vegas Boulevard South, Third Floor, Courtroom 1, Las Vegas, NV 89101:

I. The continued hearing on the *Stipulated Interim Order (I) Authorizing Limited Use of Cash Collateral Pursuant to Sections 105, 361, 362 and 363 of the Bankruptcy Code, (II) Granting Adequate Protection and Super Priority Administrative Expense Priority to Prepetition Secured Lenders and (III) Scheduling a Final Hearing* [Docket No. Lodged] in Case No. BK-S-09-14778-LBR] (the "**Cash Collateral Stipulation**"). The Cash Collateral Stipulation, among other things, allows the Debtors to use cash collateral pursuant to a budget and on the terms and conditions set forth in the Cash Collateral Stipulation, to which the Debtors' First Lien Lenders have consented for the period covered by the Cash Collateral Stipulation. In exchange for use of the cash collateral, the Debtors have, among other things, granted replacement liens in favor of their First Lien Lenders to the extent of any diminution in value of their collateral, subject only to such other liens, if any, as may be senior to the First Lien Lenders' liens. In addition, the First Lien Lenders will receive additional adequate protection, such as super priority administrative claim status to the extent of any diminution in value of their collateral and payment of fees and expenses of \$275,000 pursuant to the Cash Collateral Stipulation. Creditors are advised to

Chalkline, LP (Case No. 09-14862); Elkhorn Investments, Inc. (Case No. 09-14837); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Geronimo Plumbing LLC (Case No. 09-14820); Glynda, LP (Case No. 09-14865); Gung-Ho Concrete LLC (Case No. 09-14822); Heritage Land Company, LLC (Case No. 09-14778); Jackknife, LP (Case No. 09-14860); Jarupa, LLC (Case No. 09-14839); Overflow, LP (Case No. 09-14856); Parcel 20, LLC (Case No. 09-14848); Pinnacle Grading, LLC (Case No. 09-14887); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Rhodes Design and Development Corporation (Case No. 09-14846); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Rhodes Realty, Inc. (Case No. 09-14841); The Rhodes Companies, LLC (Case No. 09-14814); Six Feathers Holdings, LLC (Case No. 09-14833); Tick, LP (Case No. 09-14866); Tribes Holdings, LLC (Case No. 09-14817); Tuscany Acquisitions, LLC (Case No. 09-14853); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Golf Country Club, LLC (Case No. 09-14884) and Wallboard, LP (Case No. 09-14858)

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1 review the entire Cash Collateral Stipulation for all terms and conditions. The Debtors will seek
2 the continued use of cash collateral on either a consensual or contested basis on April 17, 2009
3 pursuant to Local Bankruptcy Rule 4001 b(2) and Local Bankruptcy Rule 9006 as more fully set
4 forth in the Jim Rhodes Declaration. [Docket No. 34 in Case No. BK-S-09-14778-LBR] and Paul
5 Huygens Declaration [Docket No. 38 in Case No. BK-S-09-14778-LBR].

6 2. The final hearing on the *Debtors' Motion For Interim And Final Orders Pursuant*
7 *To Sections 105, 361, 362, 363 And 364 Of Debtors' Motion For Interim And Final Orders*
8 *Pursuant To Sections 105, 361, 362, 363 And 364 Of The Bankruptcy Code (A) Authorizing*
9 *Debtors To Use Cash Collateral, (B) Granting Adequate Protection To The Debtors' Prepetition*
10 *Secured Parties And (C) Scheduling A Final Hearing* [Docket No. 35 in Case No. BK-S-09-
11 14778-LBR]. Pursuant to this motion, the Debtors seek to use cash collateral of the First Lien
12 Lenders and to provide the adequate protection as stated in the motion. Creditors are advised to
13 review the entire Motion.

14 3. The final hearing on the *Debtors' Motion For Order Under 11 U.S.C. §§ 105,*
15 *363, 503(B), 1107 And 1108 Authorizing (I) Maintenance Of Certain Existing Bank Accounts,*
16 *(II) Continued Use Of Existing Business Forms, (III) Continued Use Of Existing Cash*
17 *Management System, (IV) Providing Administrative Priority Status To Postpetition*
18 *Intercompany Claims, And (V) Waiver Of Section 345(B) Deposit And Investment Requirements*
19 [Docket No. 28 in Case No. BK-S-09-14778-LBR].

20 4. The final hearing on the *Debtors' Motion Pursuant To Bankruptcy Code Sections*
21 *105(A), 363, And 507(A) For An Order Authorizing The Debtors To (I) Pay Prepetition Wages,*
22 *Salaries, Employee Benefits, And Other Compensation; (II) Remit Withholding Obligations; (III)*
23 *Maintain Employee Compensation And Benefits Programs And Pay Related Administrative*
24 *Obligations; And (IV) Have Applicable Banks And Other Financial Institutions Receive,*
25 *Process, Honor, And Pay Certain Checks Presented For Payment And Honor Certain Fund*
26 *Transfer Requests* [Docket No. 16 in Case No. BK-S-09-14778-LBR].

27 5. The final hearing on the *Motion For Entry Of Order (I) Authorizing The Debtors*
28 *To Sell Homes Free And Clear Of Liens, Claims, Encumbrances And Other Interests, (II)*

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1 *Establishing Procedures For The Resolution And Payment Of Liens And Claims, And (III)*
 2 *Authorizing Financial Institutions To Honor All Obligations Related Thereto* [Docket No. 31 in
 3 Case No. BK-S-09-14778-LBR].

4 6. The final hearing on the *Motion For Entry Of An Order Pursuant To Sections*
 5 *105(A), 363(C), 1107(A), 1108 Of The Bankruptcy Code Authorizing The Debtors To Honor*
 6 *Prepetition Obligations To Customers And To Otherwise Continue Customer Practices And*
 7 *Programs In The Ordinary Course Of Business* [Docket No. 25 in Case No. BK-S-09-14778-
 8 LBR].

9 7. A hearing on the *Motion For An Order Under Section 366 Of The Bankruptcy*
 10 *Code (A) Prohibiting Utility Providers From Altering, Refusing Or Discontinuing Service, (B)*
 11 *Deeming Utilities Adequately Assured Of Future Performance, And (C) Establishing Procedures*
 12 *For Determining Adequate Assurance Of Payment* [Docket No. 22 in Case No. BK-S-09-14778-
 13 LBR].

14 PLEASE TAKE FURTHER NOTICE that a copy of the above-referenced documents are
 15 on file with and available from the clerk of the United States Bankruptcy Court for the District of
 16 Nevada, Foley Federal Building, 300 S. Las Vegas Blvd., Las Vegas, Nevada 89101; via the
 17 bankruptcy court's website at www.nvb.uscourts.gov (a PACER account is required); through
 18 the Debtors' claims agent's website: www.omninet.com/rhodes; by calling (866) 989-6144, or
 19 by contacting undersigned counsel.

20 PLEASE TAKE FURTHER NOTICE that any opposition to the requested relief must be
 21 filed and served pursuant to Local Rule 9014(d)(1). If an objection is not timely filed and
 22 served, the relief requested may be granted without a hearing pursuant to LR 9014(d)(3).

23 If you object to the relief requested, you *must* file a WRITTEN response to this pleading
 24 with the court. You *must* also serve your written response on the person who sent
 25 you this notice.

26 If you do not file a written response with the court, or if you do not serve your written
 27 response on the person who sent you this notice, then:

- 28 • The court may *refuse* to allow you to *speak* at the scheduled hearing; and

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- The court may *rule against you* without formally calling the matter at the hearing.

PLEASE TAKE FURTHER NOTICE that this hearing is pursuant to Local Bankruptcy Rule 4001(c) and may be continued from time to time without further notice except for the announcement of any adjourned dates and time at the above noticed hearing or any adjournment thereof.

DATED this 9th day of April, 2009.

LARSON & STEPHENS

/s/ Zachariah Larson, Esq.

Zachariah Larson, Bar No. 7787

Kyle O. Stephens, Bar No. 7928

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